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In re Application of	:	NOTIFICATION REGARDING
NOMURA, Syuushi	:	DEFECTIVE DECLARATION
Application No.: 10/500,042	:	
PCT No.: PCT/JP02/13473	:	AND
Int. Filing Date: 24 December 2002	:	
Priority Date: 25 December 2001	:	REQUIREMENT FOR NEW
Attorney Docket No.: 04449	:	DECLARATION OR REQUEST
For: FIELD CONVERTER AND FLUID	:	UNDER 37 CFR 1.497(d)
PROCESSING DEVICE UTILIZING		
SAID CONVERTER		

This is to notify applicant that the declaration filed on 23 June 2004 in the above-captioned application is not in compliance with 37 CFR 1.497(a) and that a new declaration or submission under 37 CFR 1.497(d) is required.

#### **BACKGROUND**

On 24 December 2002, applicant filed the above-captioned international application, which claimed a priority date of 25 December 2001 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 10 July 2003. The international application named Syuushi Nomura as applicant/inventor. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 25 June 2004.

On 23 June 2004, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, a basic national fee, a translation of the international application, a preliminary amendment; and a declaration executed by: Syuuish Nomura and Aoi Kawasaki.

#### **DISCUSSION**

The declaration filed 23 June 2004 is not acceptable. Specifically, the declaration sets forth an additional inventor (Aoi Kawasaki) who has not been named in the international application.

In that an acceptable declaration of the inventor(s) has not been submitted, the application cannot be accepted into the national stage at this time.

Applicant must submit either: 1) a submission under 37 CFR 1.497(d) requesting correction of the inventors named in the international application to include Aoi Kawasaki, (2) a new declaration naming and signed by only Syuuish Nomura accompanied by an acceptable explanation of the misnaming of the inventor on the present declaration, or (3) a showing that a 92bis change was made prior to the National stage filing. A proper response must be filed within **TWO (2) MONTH** from the mail date of this notification. Extensions of time are available under 37 CFR 1.136.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires:

- (1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;
- (3) the fee set forth in 37 CFR 1.17(i); and
- (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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